

Missing grounds of rejections:

4. Claims 17-18, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honeyman et al. (AJVR, 1999, cited in the IDS) in view of Beattie et al. (USPN 6,268,147, 2001).

The teachings of Honeyman et al. are discussed above.

Honeyman et al. do not teach all the limitations of claims 17 and 18.

Beattie et al. teach further comprising a detectable label (see col. 20 lines 33-66 to col. 21 lines 1-37) and Beattie et al. teach the detectable label is a radioactive isotopes (see col. 20 lines 33-66 to col. 21 lines 1-37, where ^{32}P is the label).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use the Primer, as taught by Honeyman et al. with the concept of labeling as taught by Beattie et al. Beattie et al. teach labels can be used in a primer molecule. A skilled artisan would readily understand from reading Beattie et al. that labels can be successfully used in a primer molecule. An ordinary practitioner would have been motivated to use the Primer, as taught by Honeyman et al. with the concept of labeling as taught by Beattie et al. in order to successfully label a primer for use in subsequent detection applications.

5. Claims 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honeyman et al. (AJVR, 1999, cited in the IDS) in view of the Stratagene Catalog (1988).

The teachings of Honeyman et al. are described above

Honeyman et al. do not teach or suggest a kit.

Stratagene catalog teaches a motivation to combine reagents into kit format (page 39).

It would have been *prima facie* obvious to one having ordinary skill in the art at the time

the invention was made to combine the dual purpose primer for amplification as taught by Honeyman et al. into a kit format as discussed by Stratagene catalog since the Stratagene catalog teaches a motivation for combining reagents of use in an assay into a kit, "Each kit provides two services: 1) a variety of different reagents have been assembled and pre-mixed specifically for a defined set of experiments. Thus one need not purchase gram quantities of 10 different reagents, each of which is needed in only microgram amounts, when beginning a series of experiments. When one considers all of the unused chemicals that typically accumulate in weighing rooms, desiccators, and freezers, one quickly realizes that it is actually far more expensive for a small number of users to prepare most buffer solutions from the basic reagents. Stratagene provides only the quantities you will actually need, premixed and tested. In actuality, the kit format saves money and resources for everyone by dramatically reducing waste. 2). The other service provided in a kit is quality control" (page 39, column 1).